

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AMERICAN GENERAL LIFE INSURANCE
COMPANY,

Plaintiff(s),

vs.

VISTANA CONDOMINIUM OWNERS
ASSOCIATION, et al.,

Defendant(s).

Case No. 2:12-cv-01324-JAD-NJK

ORDER

(Docket No. 181)

Pending before the Court is Defendant and Counter-Plaintiff Vistana Condominium Owners Association, Inc.'s ("Vistana") motion to hold Sosa Painters & Drywall Services ("Sosa Painters") in contempt of court. Docket No. 181. The pending motion seeks the issuance of an order compelling Sosa Painters to produce documents responsive to a subpoena and to appear for a deposition. *Id.*, at 3-4. If Sosa Painters does not comply, Vistana requests that the Court "hold them in jail until they comply with the subpoenas." *Id.*, at 4. Vistana additionally seeks attorneys' fees and costs. *Id.*, at 4.

Pursuant to Federal Rule of Civil Procedure 45(g), a court "may hold in contempt a person who, after having being served, fails without adequate excuse to obey the subpoena or an order relating to it." In this case, Vistana has failed to file a proof of service showing that the pending motion has been served upon non-party Sosa Painters. *See* Docket No. 181, at 6. The relief Vistana seeks is significant, including a finding of contempt and a resulting order of imprisonment. Because Vistana failed to provide legal authority establishing that such relief is a proper sanction under the applicable rules, its motion (Docket No. 181) is **DENIED** without prejudice.

1 The Court herein expresses no opinion as to whether sanctions are appropriate and, if so,
2 what sanctions should be imposed. To the extent a motion for contempt is renewed, Vistana should
3 ensure that it discusses the relevant standards and provides a meaningful discussion explaining why
4 each sanction is appropriate as to each person or entity against whom sanctions are sought.
5 Additionally, prior to the filing of any discovery motions, Vistana must ensure that it complies with
6 the Court's meet and confer and certification requirements. *See, e.g.*, Local Rule 26-7(b). Any
7 renewed motion to compel and/or motion for contempt shall be filed within 14 days of the issuance
8 of this order.

9 IT IS SO ORDERED.

10 DATED: July 1, 2015

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NANCY J. KOPPE
United States Magistrate Judge
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